

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DENNIS NELSON,**

**Plaintiff,**

**-v-**

**9:06-CV-1177**

**TED NESMITH, *et al.*,**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

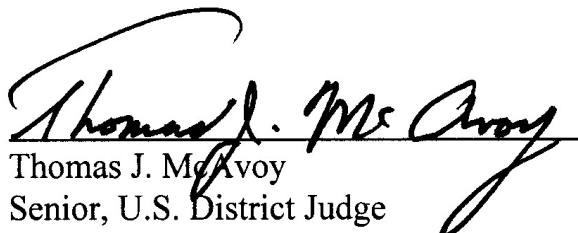
**DECISION & ORDER**

This matter, brought pursuant to 42 U.S.C. § 1983, was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Northern District of New York Local Rule 72.3(c).

No objections to the July 2, 2008 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and DISMISSES the petition.

IT IS SO ORDERED.

Dated: August 13, 2008

  
Thomas J. McAvoy  
Senior, U.S. District Judge

